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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,110	06/23/2003	Homayoun Sanatgar	094996-155036	7024
34026 7550 10/16/2009				
JONES DAY				
555 SOUTH FLOWER STREET FIFTIETH FLOOR				
LOS ANGELES, CA 90071				
EXAMINER				
KING, ANITA M				
ART UNIT		PAPER NUMBER		
3632				
MAIL DATE		DELIVERY MODE		
10/16/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/601,110

**Applicant(s)**

SANATGAR ET AL.

**Examiner**

Anita M. King

**Art Unit**

3632

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 9-11 and 20-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-11 and 20-26 is/are allowed.
- 6) ☒ Claim(s) 1-3-7, 27 and 29-33 is/are rejected.
- 7) ☒ Claim(s) 2 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is the third office action for application number 10/601,110, Metal Tube Support Bracket and Method for Supporting a Metal Tube, filed on June 23, 2003.

#### ***Drawings***

The drawings were received on June 23, 2003. These drawings are acceptable.

#### ***Claim Objections***

Claim 20 is objected to because of the following informalities: in line 3, the recitation of "a metal tube" is redundant, line 1 already claims the metal tube and in line 4, "a" before "metal" should be changed to --the-- or --said--. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3, 6, 7, 27, 29, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,809,350 to Lane. Lane discloses a tube support bracket that comprises a metal support bracket (16) formed having a circular tube-receiving aperture (22) and an annular, castellated collar (formed by elements 28) abutting the aperture, the aperture and collar being sized for receiving therethrough in close-fitting relationship a tube (6), the collar being formed having a plurality of spaced, axial tabs (28) sized for swaging against the metal tube to generate a hoop stress and bite the received metal tube; wherein the collar is formed integrally as a part of the

support bracket; wherein the tabs comprise four, equally space-apart tabs; and wherein the collar is formed in a draw-punched region of the support bracket.

Claims 1, 3, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,839,848 to Sahramaa. Sahramaa discloses a tube support bracket that comprises a metal support bracket (1) formed having a circular tube-receiving aperture and an annular, castellated collar (Figs. 9 or 10) abutting the aperture, the aperture and collar being sized for receiving therethrough in close-fitting relationship a tube, the collar being formed having a plurality of spaced, axial tabs (90 or 100) sized for swaging against a received tube to generate hoop stress and bite the tube; wherein the collar is formed integrally as a part of the support bracket; wherein the tabs comprise four, equally space-apart tabs; and wherein the collar is formed in a draw-punched region of the support bracket.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 4, 5, 30, 31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lane. Lane discloses the claimed invention except for the limitation of the support bracket and the collar being formed of a ductile metal alloy such as aluminum-coated steel material and the metal tube being formed of an aluminum alloy. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the material of the support bracket, collar and metal tube to have been that of the claimed subject matter, since such a modification

would have merely involved the substitution of one well known material for another based on the material's suitability for the intended use and would have yielded any unpredictable results.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sahramaa. Sahramaa discloses the claimed invention except for the limitation of the support bracket and the collar being formed of a ductile metal alloy such as aluminum-coated steel material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the material of the support bracket and the collar to have been that of the claimed subject matter, since such a modification would have merely involved the substitution of one well known material for another based on the material's suitability for the intended use and would have yielded any unpredictable results.

#### ***Allowable Subject Matter***

Claims 2 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9-11 and 20-26 are allowed.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on (571) 272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anita M. King/  
Primary Examiner, Art Unit 3632

October 16, 2009